

Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 HENRY ROSENAU,)
)
 Defendant.)

NO. CR06-157MJP

GOVERNMENT'S MOTION FOR
EXTENSION OF TIME FOR
MOTION RESPONSES

Noted: September 16, 2011
No oral argument requested

The United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Susan M. Roe, Assistant United States Attorney for said District, moves this Court for an extension of time within which the government must respond to the defendant's four pretrial motions. The government asks for an additional week, that is, until September 20, 2011, rather than September 13, 2011. The trial is set for November 7, 2011.

The defendant filed four pretrial motions addressing a wide spectrum of issues, ranging from atypical ones of pretrial seizures and statements made in Canada and interpretation of the Rule of Speciality contained in the United States - Canada Treaty, to a motion for a Bill of Particulars and the defendant's motion for leave to file additional pretrial motions.

The government asks for an additional week in order to respond completely and with adequate knowledge for several reasons. The undersigned has contacted the Office of

1 International Affairs, DOJ, for assistance in the interpretation of Rule of Speciality and in the
2 analysis of the Canadian Court extradition decision, as these are matters within their purview
3 and must be answered consistently on a national level. The OIA attorneys have
4 acknowledged the request but are out of the office at an international border meeting this
5 week. They have given the undersigned some good guidance and resources, however, the
6 government requests time to have its response vetted by them prior to filing. They will return
7 to their offices at the end of this week.

8 Although the government has conducted its legal research on the issues relating to
9 “joint” and parallel investigations by U.S. and foreign governments, the government has not
10 yet determined the accuracy of some of the facts alleged in the defendant’s motion to
11 suppress. This is because the undersigned was out of the office and, indeed, out of the
12 country last week and only received the motions on Monday, September 12, 2011. The
13 government has made inquiries of the law enforcement personnel, but has not received all
14 responses yet. Some of the information involves Canadian law enforcement, which takes a
15 little longer to acquire, and the government has not had sufficient time to prepare its factual
16 response or to argue the facts in light of the applicable law.

17 As to the other two motions, the defense notes that discovery is voluminous and asks
18 for additional time, additional discovery and a bill of particulars to assist his navigation
19 through the discovery. The government has provided the requested photographs, believes it
20 provided reports of Forest Service Special Agent Anne Minden but has requested a search of
21 records in order to ensure full disclosure, and is determining if there are any Interagency or
22 Joint Operating Agreements relating to this investigation. (See Motion to Continue Filing
23 Deadline, page 7). The government will continue to provide what RCMP reports it has and
24 will file a witness list in a timely fashion. Orally, the government generally has told the
25 defense its likely witnesses.

26 The government notified defense counsel of this motion for additional time. Defense
27 counsel indicated he has been unable to contact his client to learn whether the defendant
28 objects.

1 The granting of this motion should not affect the trial date. Therefore the government
2 moves this Court for a one week extension of time within which to file its responses.

3 DATED this 13th day of September, 2011.

4
5 Respectfully submitted,

6 JENNY A. DURKAN
7 United States Attorney

8
9 s/Susan M. Roe

10 SUSAN M. ROE
11 Assistant United States Attorney
12 United States Attorney's Office
13 700 Stewart Street, Suite 5220
14 Seattle, WA 98101-1271
15 Telephone: (206) 553-1077
16 Fax: (206) 553-0755
17 E-mail: susan.roe@usdoj.gov
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

/s/ Lissette Duran-Leutz
Lissette Duran-Leutz
Legal Assistant
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Telephone: (206) 553-7234
Fax: (206) 553-2502
E-mail: Lissette.I.Duran-Leutz@usdoj.gov